

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE IVERSON, Individually,

Plaintiff,

Case No. 1:04-cv-12079-NG

v.

BRAINTREE PROPERTY
ASSOCIATES, L.P.,

Defendant.

**PLAINTIFF'S MOTION TO FILE SETTLEMENT AGREEMENT UNDER SEAL AND
FOR THE COURT TO RETAIN JURISDICTION TO ENFORCE SETTLEMENT
AGREEMENT AND TO DETERMINE PLAINTIFF'S REASONABLE ATTORNEYS
FEES, EXPERT FEES, LITIGATION EXPENSES AND COSTS
AND MEMORANDUM IN SUPPORT THEREOF**

COME NOW the Plaintiff, by and through his undersigned counsel, and hereby moves the Court to allow the parties to file the parties' Settlement Agreement under seal, and for the Court to retain jurisdiction to enforce the Settlement Agreement and to determine the amount of Plaintiff's reasonable amount of attorneys fees, expert fees, litigation expenses and costs and as grounds therefor state:

1. The parties hereto have entered into a Settlement Agreement resolving the substantive issues involved in this lawsuit arising under Title III of the ADA, 42 U.S.C. 12181 *et seq.* Pursuant to the terms of the Settlement Agreement, the parties agree to keep the terms thereof confidential, as described in the Settlement Agreement on paragraph 7 thereof, except where disclosure is required by applicable law, court order or subpoena complying discovery.

2. The Settlement Agreement is also subject to the Court retaining jurisdiction to enforce it and for the Court's determination of the amount of attorneys fees, expert fees, litigation expenses and costs to be awarded Plaintiff's counsel and expert.

WHEREFORE, Plaintiff moves this Court to order the Settlement Agreement between the parties hereto be filed under seal and for the Court to retain jurisdiction to enforce the terms and conditions of the Settlement Agreement, and to determine the amount of reasonable attorneys fees, expert fees, litigation expenses and costs to be awarded Plaintiff upon Plaintiff's timely application thereof in accordance with the Rules of Civil Procedure and this Court.

CERTIFICATE OF COUNSEL

I HEREBY CERTIFY that counsel for the Plaintiff has conferred with counsel for the Defendant and counsel for the Defendant are in accordance with the relief sought herein.

CERTIFICATE OF SERVICE

The undersigned attorneys certify that on July 24, 2006, they caused a true and correct copy of the foregoing to be served via the Court's CM/ECF system and via e-mail upon the following:

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By: /s/O. Oliver Wragg, Esq.
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Of Counsel